

REMARKS

Claims 1, 2, and 5

The Examiner has rejected claims 1, 2, and 5 as being unpatentable over Crowley in view of Taccardi under 35 U.S.C. §103. The claim has been amended to clarify the fact that the therapy catheter is used in conjunction with a pulse generating signal generator which periodically places pulses in the heart and these pulses cooperate with the location locator electrode element B of all of the claims to determine the location of that electrode and consequently the catheter that it sits upon. This element is missing from the teachings of Taccardi and Crowley. Please note that in Taccardi there is no electrode floating in the chamber to be located. For this reason there is an element of the claim not found within either of the applied references and as a consequence the references cannot be construed as teaching an element that they don't contain.

Claim 3 was also rejected under 35 U.S.C. §103 as unpatentable over Motamedi in view of Taccardi. The Applicant agrees that Motamedi teaches a catheter for ablating tissue with optical energy. However, once again the combination of references lacks the pulse generator called for in the preamble which cooperates with element B of this claim, and as a consequence it would not be obvious to create the structure called for by the claim by a straightforward combination of the applied references since they lack one of the fundamental elements of the claim.

Claim 4 is also rejected under 35 U.S.C. §103 as unpatentable over Wilenski in view of Taccardi. Wilenski teaches a device for hisbundle ablation using RF energy and Applicant agrees that it shows a wave guide structure or antenna for delivering this energy to a cardiac site. However, once again there is no signal generator providing discrete locator pulses for cooperation with element B of the combination to achieve the desired therapy catheter.

For this reason Applicant requests the reconsideration of these claims in light of the arguments.

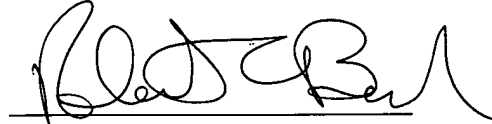
CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
ENDOCARDIAL SOLUTIONS, INC.
By its attorneys:

Date: _____

1-5-05

A handwritten signature in black ink, appearing to read "Robert C. Beck", written over a horizontal line.

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